

## **CONFIDENTIAL**

### **WEEKLY HOT ISSUES REPORT for RA/DRA Region 8**

**Week ending February 2, 2018**

#### **OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE**

##### **HOT ISSUES AND IMPORTANT DEADLINES:**

##### **Sierra Club Petitions for Review on Hunter Title V Decision**

Key Message: The Sierra Club filed a petition for review with the District of Columbia Circuit Court of Appeals, seeking review of the EPA's decision to deny the Sierra Club's petition to object to the title V operating permit for the PacifiCorp Energy Hunter Power Plant in Emery County, Utah. Sierra Club filed a second petition in the Tenth Circuit Court of Appeals to preserve judicial review should the District of Columbia Court of Appeals determine it is not the appropriate venue.

- Air Program staff are working with ORC, OGC and DOJ to prepare the Administrative Record (due March 19, 2018). OGC requested that DOJ assign a defense attorney to this case.
- Contacts: Gail Fallon, 312-6281 (Air Program); Sara Laumann, 312-6443 (ORC)

##### **National Effort to Improve RCRA Waste Analysis Plans Identifies Issues with Clean Harbors' Deer Trail Permit, Colorado (Update)**

Key Message: Members of the RCRA Hazardous Waste Program met with the CDPHE permitting group on February 5, 2018, to discuss removal of in-cell macroencapsulation, a process that violates land disposal restrictions, from Deer Trail's permit. Upon discussion, CDPHE agreed to remove the language in the initial draft.

- **Deliberative Process / Ex. 5**
- CDPHE conducted a scheduled inspection of the facility on January 31, 2018, and discussed the EPA's national effort to review waste analysis plans, as well as the removal of in-cell macroencapsulation from the permit with Clean Harbors. Clean Harbors' Deer Trail facility manager, Jack Kehoe, commented that while they don't currently conduct in-cell macroencapsulation, removing this option from their permit may put them at a competitive disadvantage to other facilities that may be permitted for this but not currently up for renewal.
- CDPHE conveyed to the EPA that they were unsure as to how Clean Harbors would react to the removal of the activity from the draft. It may be kept at a facility manager level, or be brought to a corporate decision.
- The state's work on the draft renewal permit is slated to begin in April of this year, and renewal issuance is expected in April 2019.
- Contacts: Jesse Newland, 312-6353; Amy Hensley, 312-6176; Nancy Morlock, 312-6421